COMMITTEE OF ADJUSTMENT



City Hall, 5th floor, 71 Main Street West, Hamilton, ON L8P 4Y5
Telephone (905) 546-2424, ext. 4221, 3935 Fax (905) 546-4202

E-mail: cofa@hamilton.ca

NOTICE OF PUBLIC HEARING

Application for Consent/Land Severance

APPLICATION NUMBER:

FL/B-20:71

SUBJECT PROPERTY:

905 Centre Rd., Flamborough

You are receiving this notice because you are either:

Assessed owner of a property located within 60 metres of the subject property

· Applicant/agent on file, or

Person likely to be interested in this application

APPLICANT(S):

Gerard P. Murphy on behalf of the owner Marvin

Creighton

PURPOSE OF APPLICATION:

To permit the conveyance of a parcel and to retain a

parcel of land

Severed lands:

45.72m[±] x 96.621m[±] and an area of 1 acre[±]

Retained lands:

91.41m[±] x 465.21m[±] and an area of 46 ha[±]

The Committee of Adjustment will hear this application on:

DATE:

Thursday, November 19th, 2020

TIME:

1:45 p.m.

PLACE:

Via video link or call in (see attached sheet

for details)

To be streamed at

www.hamilton.ca/committeeofadjustment

for viewing purposes only

PUBLIC INPUT

Written: If you would like to submit written comments to the Committee of Adjustment you may do so via email or hardcopy. Please see attached page for complete instructions, including deadlines for submitting to be seen by the Committee.

Orally: If you would like to speak to this item at the hearing you may do so via video link or by calling in. Please see attached page for complete instructions, including deadlines for registering to participate.

MORE INFORMATION

For more information on this matter, including access to drawings illustrating this request:

FL/B-20:71 Page 2

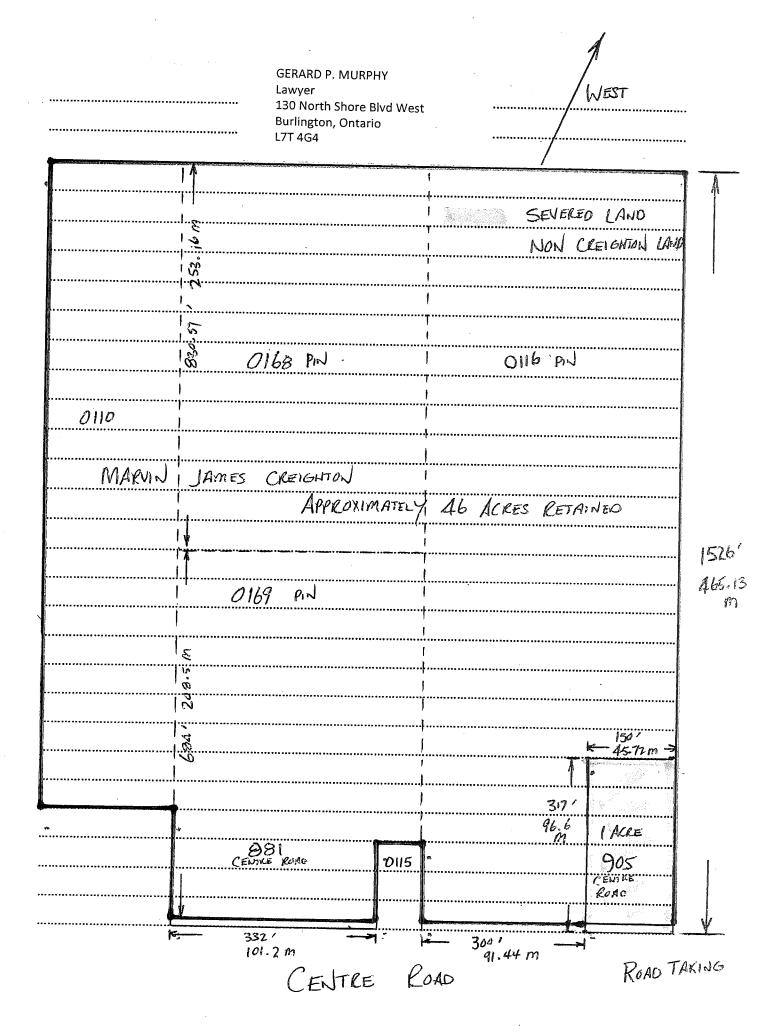
• Visit <u>www.hamilton.ca/committeeofadjustment</u>

- Call 905-546-CITY (2489) or 905-546-2424 extension 4221, 4130, or 3935
- Email Committee of Adjustment staff at cofa@hamilton.ca

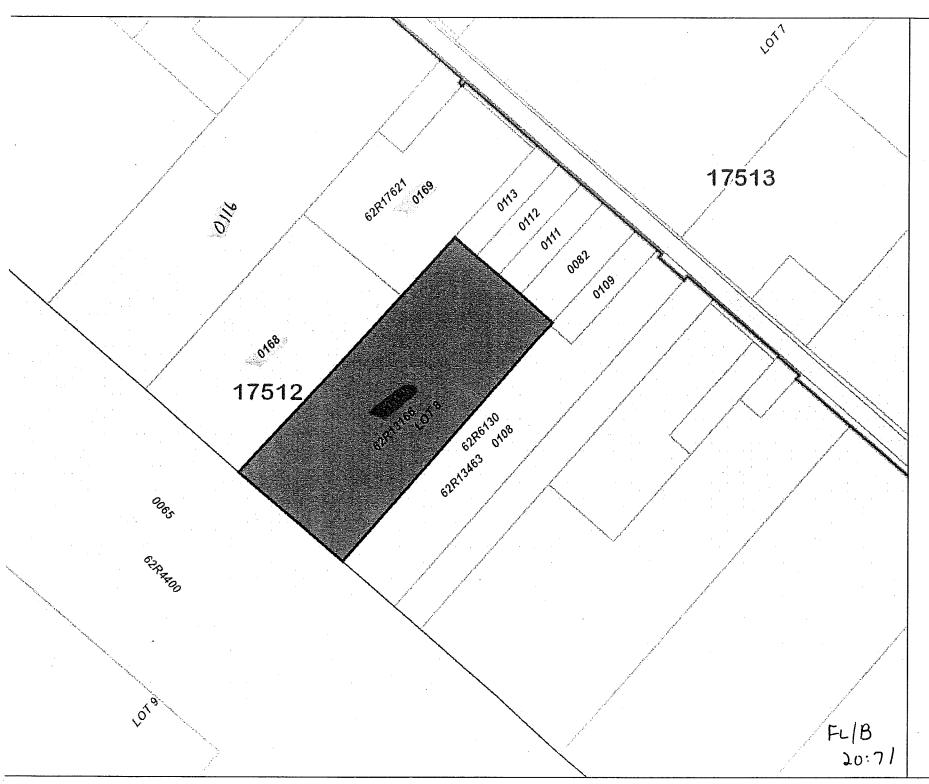
DATED: November 3rd, 2020

Jamila Sheffield) Secretary-Treasurer Committee of Adjustment

Information respecting this application is being collected under the authority of the Planning Act, R.S.O., 1990, c. P. 13. All comments and opinions submitted to the City of Hamilton on this matter, including the name, address, and contact information of persons submitting comments and/or opinions, will become part of the public record and will be made available to the Applicant and the general public.



FL/B 20:71



Service

PRINTED ON 06 O FOR GMURPHY01

SCA

0 30 60 90

PROPERTY

WENTWORT

LEG

FREEHOLD PROPERTY
LEASEHOLD PROPERTY
LIMITED INTEREST PR(
CONDOMINIUM PROPEI
RETIRED PIN (MAP UPL
PROPERTY NUMBER
BLOCK NUMBER
GEOGRAPHIC FABRIC
EASEMENT

THIS IS NOT A

NO

REVIEW THE TITLE RE PROPERTY INFORMAT NOT REFLECT RECENT

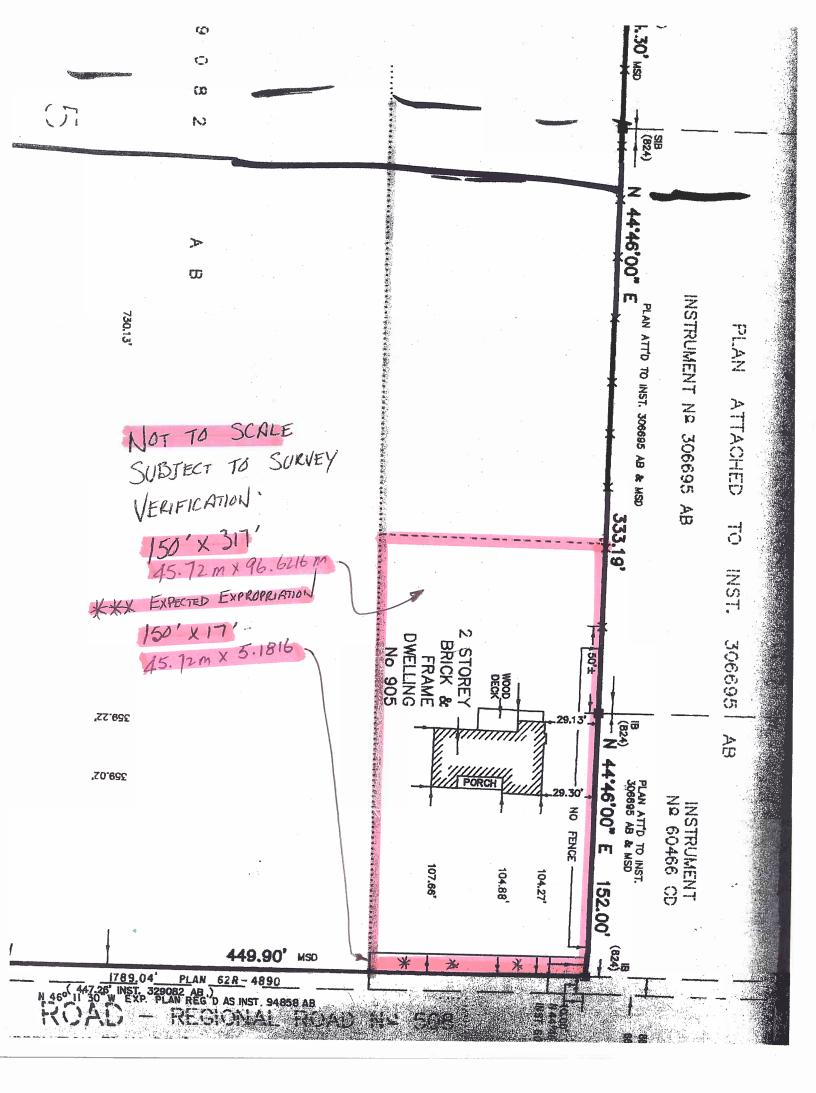
THIS MAP WAS COMPILE DOCUMENTS RECORDED REGISTRATION SYSTEM FOR PROPERTY INDEXIN

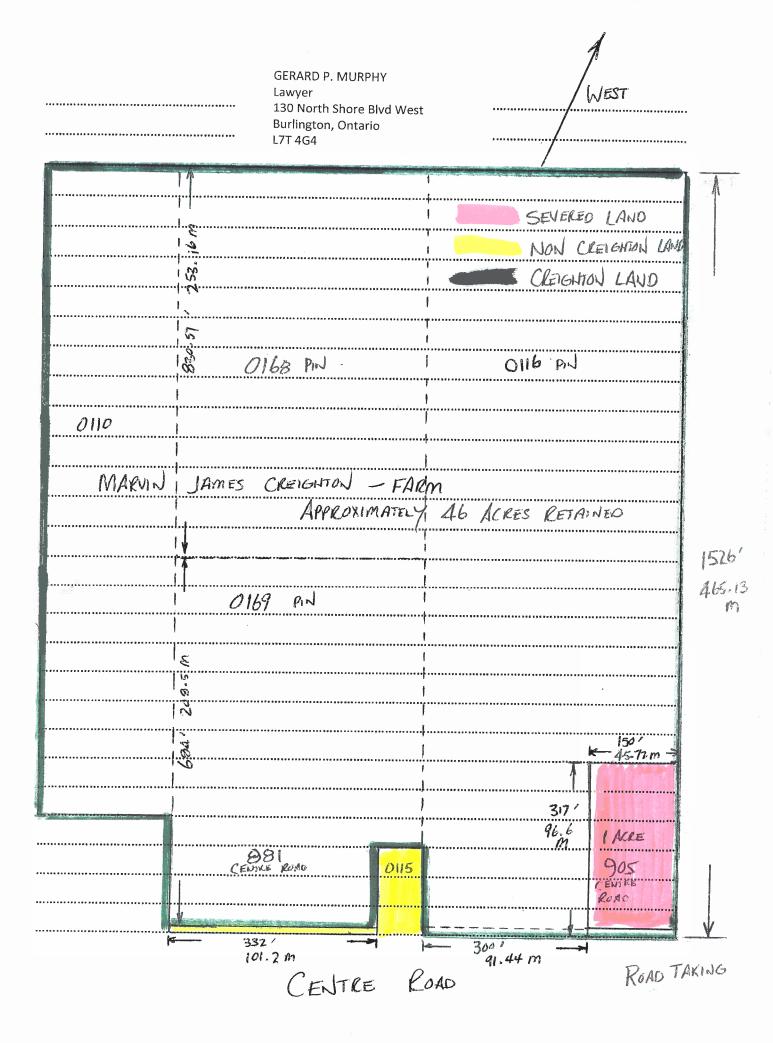
FOR DIMENSIONS OF PR RECORDED PLANS AND I

ONLY MAJOR EASEMENT!

REFERENCE PLANS UNDI REFERENCE PLANS ARE I









77 James St. North, Sulte 320 Hamilton, ON L8R 2K3 (905) 546-2439 (Telephone) (905) 546-2463 (Fax) gmcguire@hamilton.ca

MEMORANDUM

YOUR FILE:

TO:

Carol Connor

Secretary Treasurer, Committee of Adjustment

Planning and Development

Fax - 546-4202

OUR FILE:

FROM:

Gord McGuire

Senior Project Manager of Surveys & Mapping

Roads Division

PHONE:(905) 546-2424, Ext. 2439

SUBJECT:

Road Widening Deed from

DATE: April 16, 2007

Martin James Creighton and Lillian Edith Creighton, Land Severance Application

No. FL/B-06:27

Registered Instrument Number WE461169

This is to advise you that the above road widening Deed has been registered, conveying the property to the City of Hamilton.

We have received a letter certifying the City's title to the subject land, pursuant to the conditions of the subject application.

Please find enclosed the registered instrument together with the Certificate of Title for the above transaction for your safekeeping.

By copy of this memo, Tony Sergi is informed that the condition for road widening purposes has been met.

GM:lc

Encls.

Attach.

cc Mike Sabelli (Planning & Development) Fax - (905) 546-4202

cc Gerard P. Murphy- Fax - (905) 522-1398

700/7007

04/11/2007 TUE 11:22 FAX 905 546 2463 PUBLIC WORKS

IT Apr 2007 11:18AM Fax Station: GERARD P. MURPHY



Committee of Adjustment City Hali 7th floor, 71 Main Street West Hamilton, ON L8P 4Y5 Telephone (905) 548-2424 Ext. 4144 Fax (905) 548-4202

Form 4

The Planning Act, R.S.O. 1990, c.P. 13, as amended CERTIFICATE OF SECRETARY - TREASURER

Pursuant to Subsection (42) of Section 53 of <u>The Planning Act, R.S.O. 1990 c.P. 13, as amended</u>, I certify that the consent of the Committee of Adjustment for the City of Hamilton was given on <u>April 26th, 2006</u> to convey the following described lands:

Lands Transferred - Parcel One P.I.N. 17512-0114 (LT)
Part Lot 8, Concession 5 East Flamborough, as in CD130477
save and except Part 1 and Part 2 on Reference Plan 62R-17621,
Flamborough, City of Hamilton

Existing Description of Adjoining Property - Parcel Two P.I.N. 17512-0116 (LT) Part Lot 8, Concession 5 East Flamborough, as in VM191657, save and except AB94858, Flamborough, City of Hamilton

Proposed Description of Consolidated Property - Parcel Three (Parcel One to be added to P.I.N. 17512-0116(LT

Parcels One and Two as set out above.

Part Lot 8, Concession 5 East Flamborough, as in VM191657 save and except AB94858, AND, Part Lot 8, Concession 5, East Flamborough, as in CD130477, save and except Part 1 and Part 2 on Reference Plan 62R-17621, Flamborough, City of Hamilton

Subsections <u>3</u> and <u>5</u> of Section 50 of The Planning Act applies to any subsequent conveyance or transaction of or in relation to the parcel of land being the subject of this consent.

DATED, at the City of Hamilton

this of April

20 07.

Mmg.au Secretary-Treasurer

LAWYER'S CERTIFICATE OF TITLE & REGISTRATION of a road widening Transfer

Planning Application/file Number FL/B-06:27

I, the undersigned lawyer, hereby certify to the City of Hamilton (hereinafter referred to as the "City"):

1. That a dedication of land required by the City as a condition of a Planning approval in respect of the above mentioned Application was carried out by registration of a Transfer of the required land in favour of the City of Hamilton, as Transferee, free and clear of all mortgage(s) and lien(s) as follows:

Transfer of Land, namely Part(s) 2

On Plan 62R-17621

Registered on title on April 16, 2007

as Instrument Number WE461169

Transferor: Marvin James Creighton and Lillian Edith Creighton

Transferee: City of Hamilton

- 2. That in my opinion, as a result of the registration of the said Transfer of Land to the City, the City of Hamilton in the registered owner in fee simple of the land transferred, free and clear of all encumbrances.
- 3. That, without limiting the generality of the foregoing, I also hereby certify to the City that, at the time the said Transfer of land to the City was registered:
 - (a) there were no writs of execution or liens filed with the Sheriff of the Judicial District of Hamilton-Wentworth or with the Land Titles Division of Registry Office (No. 62) against the Transferor who dedicated the said land or against any prior registered owner(s) of the land transferred to the City;
 - (b) Realty taxes were not in arrears on the land(s) transferred to the City;
 - (c) I was (and I am at the time of this Certificate) a member in good standing of the Law Society of Upper Canada.
- 4. That this Certificate is provided to the City by me as required of the Transferor by the conditions of approval of the Transferor's Planning Act Application, and/or an Agreement between the Transferor and the City, and I acknowledge that the City is relying upon the statements in this Certificate notwithstanding any intermediary communications between me, the City and its officials.

Dated this 17th day of April, 2007.

Firm Name:

Gerard P. Murph

Firm Address: Suite 701, 1 King Street West

Hamilton, Ontario

L8P 1A4



Committee of Adjustment

City Hall

5th floor, 71 Main Street West Hamilton, Ontario L8P 4Y5

Planning and Economic Development Department Planning Division

Phone (905) 546-2424, ext. 4221 Fax (905) 546-4202

APPLICATION FOR CONSENT TO SEVER LAND

UNDER SECTION 53 OF THE PLANNING ACT Office Use Only **Date Application** Date Application Submission No.: File No .: Received: Deemed Complete: Moigue evan & Lamillon, CL APPLICANT INFORMATION NAME **ADDRESS** PHONE/FAX E-mail: Applicant Agent/Solicitor 1.3 All correspondence should be sent to Owner 2 LOCATION OF SUBJECT LAND Complete the applicable lines 2.1 Area Municipality Concession Former Township PART LOT B EAST FLAMBOROUGH FLAMBOROUGH Registered Plan N°. Lot(s) Reference Plan N°. Part(s) PIN# 17512-0116(LT) Municipal Address Assessment Roll N°. 905 CENTRE ROAD, WATERDOWN, ON LAW 277 303.510.69000.0000 2.2 Are there any easements or restrictive covenants affecting the subject land? Yes V No If YES, describe the easement or covenant and its effect: **PURPOSE OF THE APPLICATION** 3.1 Type and purpose of proposed transaction: (check appropriate box) a) Urban Area Transfer (do not complete Section 10): creation of a new lot Other: a charge

addition to a lot

an easement

a lease

a correction of title

b) Rural Area / Rural Settlement Area Transfer (Section 10 must be completed):				
creation of a new lost of creation of a new not creation of a new not (i.e. a lot containing a resulting from a farm collision to a lot	on-farm parcel surplus farm dwelling	Other: a charge a lease a correction of title an easement		
or chargod:	vn, to whom land or interest in	n land is to be transferred, leased		
3.3 If a lot addition, identify the	e lands to which the parcel wi	ll be added:		
4.1 Description of land intende		SINFORMATION		
Frontage (m) 45.72	Depth (m) 96.6216	Area (m² or ha) 4417 54 m²		
Existing Use of Property to be some Residential Agriculture (includes a farm Other (specify)	☐ Industrial	Commercial ral-Related Vacant		
Proposed Use of Property to be severed: Residential Agriculture (includes a farm dwelling) Other (specify)				
Building(s) or Structure(s): Existing: RESIDENCE +				
Proposed: AS IS EXIST	NG			
Type of access: (check appropring provincial highway municipal road, seasonally municipal road, maintained a	naintained	right of way other public road		
Type of water supply proposed: publicly owned and operated privately owned and operate	d piped water system	☐ lake or other water body ☐ other means (specify)		
Type of sewage disposal proposed: (check appropriate box) publicly owned and operated sanitary sewage system privately owned and operated individual septic system other means (specify) 4.2 Description of land intended to be Retained : Make PIN 17512 - 0116				
4.2 Description of land intended Frontage (m)				
91.41	465.21	Area (m² or ha) * 38,107.64 Squate media. Plus REMAINDER OF FARM PROPERTY		
Existing Use of Property to be s Residential Agriculture (includes a farm of Other (specify)	Industrial	PLUS REMAINDER OF FARM PROPERTY SEE DRAWING Commercial al-Related Vacant		

Proposed Use of Property to be severed: Residential Agriculture (includes a form dualling) Agriculture	al Dolotod	Commercial	
☐ Agriculture (includes a farm dwelling) ☐ Agriculture ☐ Other (specify)	al-Related	☐ Vacant	
Building(s) or Structure(s): Existing: RESIDENCE + DRIVING SHED (ENCLOSED			
Proposed: EXISTING AS IS			
Type of access: (check appropriate box)			
 □ provincial highway □ municipal road, seasonally maintained □ municipal road, maintained all year 	☐ right of way ☐ other public road		
Type of water supply proposed: (check appropriate box)	.		
públicly owned and operated piped water system privately owned and operated individual well		other water body neans (specify)	
Type of sewage disposal proposed: (check appropriate box) publicly owned and operated sanitary sewage system privately owned and operated individual septic system other means (specify)			
4.3 Other Services: (check if the service is available) ✓ electricity ✓ telephone ✓ school bussing	T	garbage collection	
5 CURRENT LAND USE5.1 What is the existing official plan designation of the subject land?			
Rural Hamilton Official Plan designation (if applicable):			
Urban Hamilton Official Plan designation (if applicable) _			
5.2 What is the existing zoning of the subject land? If the subject land is covered by a Minister's zoning order, what is the Ontario Regulation Number?			
5.3 Are any of the following uses or features on the subject land or within 500 metres of the subject land, unless otherwise specified. Please check the appropriate boxes, if any apply.			
Use or Feature	On the Subject Land	Within 500 Metres of Subject Land, unless otherwise specified (indicate approximate distance)	
An agricultural operation, including livestock facility or stockyard			
A land fill			
A sewage treatment plant or waste stabilization plant			
A provincially significant wetland			
A provincially significant wetland within 120 metres		<u> </u>	
A flood plain			
An industrial or commercial use, and specify the use(s)	v	STORAGE FACILITY * * WATERDALLY SELF STORE TO THE WEST.	
An active railway line		* WATERDALLY SELF STORE	
A municipal or federal airport		10 THE WESS .	

6	PREVIOUS USE OF PROPERTY Residential Industrial Commercial Agriculture Vacant Other (specify)
6.1	If Industrial or Commercial, specify use
6.2	Has the grading of the subject land been changed by adding earth or other material, i.e., has filling occurred? ☐ Yes
6.3	Has a gas station been located on the subject land or adjacent lands at any time? ☐ Yes No ☐ Unknown
6.4	Has there been petroleum or other fuel stored on the subject land or adjacent lands? Yes No Unknown
6.5	Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands? Yes No Unknown
6.6	Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been used as pesticides and/or biosolids was applied to the lands? Yes No Unknown
6.7	Have the lands or adjacent lands ever been used as a weapons firing range? ☐ Yes ✓ No ☐ Unknown
6.8	Is the nearest boundary line of the application within 500 metres (1,640 feet) of the fill area of an operational/non-operational landfill or dump? Yes Unknown
6.9	If there are existing or previously existing buildings, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)? Yes No Unknown
6.10	Is there reason to believe the subject land may have been contaminated by former uses on the site or adjacent sites? Yes V No Unknown
6.11	What information did you use to determine the answers to 6.1 to 6.10 above? MALVIN JAMES CLEIGHTON HAS BEEN FARMING THIS PROPERTY FOR OVER 40 YEARS.
6.12	If previous use of property is industrial or commercial or if YES to any of 6.2 to 6.10, a previous use inventory showing all former uses of the subject land, or if appropriate, the land adjacent to the subject land, is needed. Is the previous use inventory attached? Yes No
7 PI 7.1 a)	ROVINCIAL POLICY (NOT KNOWN ~ WILL REGULTE ASSISTANCE) Is this application consistent with the Policy Statements issued under subsection 3(1) of the Planning Act? Yes No
b)	Is this application consistent with the Provincial Policy Statement (PPS)? Yes
c)	Does this application conform to the Growth Plan for the Greater Golden Horseshoe? Yes No (Provide explanation)

	d)	Are the subject lands within an area of land designated under any provincial plan or plans? Yes No
	e)	Are the subject lands subject to the Niagara Escarpment Plan? ☐ Yes ☑ No
		If yes, is the proposal in conformity with the Niagara Escarpment Plan? Yes No (Provide Explanation)
	f)	Are the subject lands subject to the Parkway Belt West Plan? ☐ Yes ☐ No
		If yes, is the proposal in conformity with the Parkway Belt West Plan? Yes No (Provide Explanation)
	g)	Are the subject lands subject to the Greenbelt Plan?
		If yes, does this application conform with the Greenbelt Plan? Yes No (Provide Explanation)
8 8.1	Has subc	TORY OF THE SUBJECT LAND the subject land ever been the subject of an application for approval of a plan of division or a consent under sections 51 or 53 of the Planning Act? Yes No Unknown
		ES, and known, indicate the appropriate application file number and the decision made ne application.
8.2		s application is a re-submission of a previous consent application, describe how it has a changed from the original application.
8.3		any land been severed or subdivided from the parcel originally acquired by the owner e subject land? Yes No
		ES, and if known, provide for each parcel severed, the date of transfer, the name of ransferee and the land use.
8.4	How	long has the applicant owned the subject land? 26 YEARS (905 PROPERTY)
8.5	Doe:	Some the applicant own any other land in the City? Yes No No No. No. No. No. No. No. No. No. N

9 9.1	OTHER APPLICATIONS Is the subject land currently the subject of a proposed official plan amendment that has been submitted for approval? Yes No Unknown	
	If YES, and if known, specify file number and status of the application.	
9.2	Is the subject land the subject of any other application for a Minister's zoning order, zoni by-law amendment, minor variance, consent or approval of a plan of subdivision?	ng
	If YES, and if known, specify file number and status of the application(s).	
	File number Status	_
10 10.1	RURAL APPLICATIONS Rural Hamilton Official Plan Designation(s)	
	Agricultural Rural Specialty Crop	ŀ
	☐ Mineral Aggregate Resource Extraction ☐ Open Space ☐ Utilities	
	Rural Settlement Area (specify)	
	Settlement Area Designation	
	If proposal is for the creation of a non-farm parcel resulting from a farm consolidation, indicate the existing land use designation of the abutting or non-abutting farm operation FARMING CASH CROPS	n.
10.2	Type of Application (select type and complete appropriate sections)	
	Agricultural Severance or Lot Addition Agricultural Related Severance or Lot Addition Rural Resource-based Commercial Severance or Lot Addition Rural Institutional Severance or Lot Addition Rural Settlement Area Severance or Lot Addition	
	Surplus Farm Dwelling Severance from an Abutting Farm Consolidation (Complete Section 10.4)	
	Surplus Farm Dwelling Severance from a (Complete Section 10.5) Non-Abutting Farm Consolidation	
10.3	Description of Lands	
	a) Lands to be Severed:	
	Frontage (m): (from Section 4.1) Area (m² or ha): (from in Section 4.1)	
	Existing Land Use: RESIDENCE Proposed Land Use: RESIDENCE	J
	b) Lands to be Retained:	
	Frontage (m): (from Section 4.2) Area (m2 or ha): (from Section 4.2) 15. Nextavu	
	Existing Land Use: RESIDENCE RETAIL Proposed Land Use: NO CHANGE	,

10.4	(and the state of			
	a) Location of abutting farm: 881 CENTRE ROAD F	FLAMBOROUGH (WATEROOUN) LON	277	
	(Street)		Code)	
	b) Description abutting farm:			
	Frontage (m): 450M 101.2 M	Area (m2 or ha): 18.62 hectars		
	Existing Land Use(s): FARM	Proposed Land Use(s): FARM		
	c) Description of consolidated farm (e surplus dwelling):	excluding lands intended to be severed for	the	
	Frontage (m): 137 M 192 M	Area (m2 or ha): 25.1 Nectares		
	Existing Land Use: FARM	Proposed Land Use: FARM		
	d) Description of surplus dwelling land			
	Frontage (m): (from Section 4.1) 45.72	Area (m2 or ha): (from Section 4.1)		
	Front yard set back: 7 33 m	'		
	e) Surplus farm dwelling date of cons	truction:		
	Prior to December 16, 2004	After December 16, 2004		
	f) Condition of surplus farm dwelling:			
	Habitable	Non-Habitable		
	g) Description of farm from which the (retained parcel):	surplus dwelling is intended to be severed		
	Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)		
	Existing Land Use: FARM	Proposed Land Use: FARM		
10.5	Description of Lands (Non-Abutting Farm Consolidation)			
	a) Location of non-abutting farm			
	(Street)	(Municipality) (Postal	Code)	
	b) Description of non-abutting farm			
	Frontage (m):	Area (m2 or ha):		
	Existing Land Use(s):	Proposed Land Use(s):		
	c) Description of surplus dwelling land	is intended to be severed:		
	Frontage (m): (from Section 4.1)	Area (m2 or ha): (from Section 4.1)		
	Front yard set back:			
	d) Surplus farm dwelling date of const	ruction:		
	Prior to December 16, 2004	After December 16, 2004		
	e) Condition of surplus farm dwelling:	/ MOI December 10, 2004		
	Habitable	Non-Habitable		
	f) Description of farm from which the s	surplus dwelling is intended to be severed		
	(retained parcel): Frontage (m): (from Section 4.2)	Area (m2 or ha): (from Section 4.2)		
	F	,		
	Existing Land Use:	Proposed Land Use:		